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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,419	07/10/2001	Duck-Ho Choi	678-645 (P9690)	7668
7590	10/20/2006		EXAMINER	
Paul J. Farrell, Esq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553			NGUYEN, PHUOC H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,419	CHOI, DUCK-HO	
	Examiner	Art Unit	
	Phuoc H. Nguyen	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on July 24, 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,7-9,12 and 13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4,7-9,12 and 13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment filed July 24, 2006.
2. Claims 1-4, 7-9, and 12-13 are pending in this application. Claims 1 and 7 are independent claims. This Office Action is made final.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-4, 7-9, and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Re claim 1, the limitation “determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold” is unclear because the file size of captured windows size is the same regardless of the type of content data in the captured windows size, thus it is unclear how to determine the type of data given same file size. For examination purposes, the examiner considers the step of determining whether the display data is either text or graphic by comparing the size of contours with a predetermined threshold. Claim 7 has the same rejection.
6. Re claims 2-4, 8-9, and 12-13 are also rejected for being dependent on the rejected base claims 1 and 7 respectively.

Response to Arguments

7. Applicant's arguments filed July 24, 2006 have been fully considered but they are not persuasive.

The applicant argues in page 2 for claims 1 and 7 under 35 U.S.C. 112 that the present application clearly states the captured text data and the captured graphic data each have a different size. In addition, the term "capturing" does not mean the currently displayed screen itself is captured as an image file, but means that only data displayed on the current screen is extracted and stored such that if a text is displayed, the only text displayed on the screen is captured, and if the image is display, the image displayed on the screen is captured. Therefore, a process of determining whether the captured displayed data is text data or image data is clear.

The examiner respectfully submits that the original specification does disclose the means that only data displayed on the current screen is extracted and stored such that if a text is displayed, the only text displayed on the screen is captured, and if the image is display, the image displayed on the screen is captured as the applicant alleged. In addition, the original specification does not clearly disclose the process (e.g. such as how and what to capture) of determining whether the captured displayed data is text data or image data, instead the original specification only discloses that the displayed data is captured and determined based on the size of captured data. The specification does not clearly define how and what specifically to capture in order to compare with a threshold for determining the content of the captured data. Even thought, the specification discloses a means for only data displayed on the current screen is extracted and stored such that if a text is displayed, the only text displayed on the screen is

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captured, and if the image is display, the image displayed on the screen is captured, it would not produce a correct result because size of the very small image would be less than the size of large text. Thus, the determining whether the captured data is image or text cannot be merely based on the size of the captured data.

The applicant argues in pages 3-4 for claims rejected under U.S.C. 103 that the cited reference fails to disclose the feature of determining the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold as cited in claim 1 wherein the comparing size for separating the text from graphic image indicates captured data volume, which differs from the compared size of the cited reference.

The examiner respectfully submits that the current claim language does not define or disclose the determining of whether the captured data is image or text based on the captured data volume, but rather it is based on the size of the displayed data. This feature is clearly seen in the cited references by Anderlind et al. in view of Ohta, which clearly addressed in the previous Office action. Basically, the references disclose a determination of captured data whether it is an image or text based on the analysis of the contour size of the captured data by comparing the size of contours with a predetermined threshold. If the captured data has contour size less than a predetermined threshold, than it is a text data otherwise it is an image data.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, 7-9, and 12-13 are rejected under 35 U.S.C. 103(a) as being obvious over Anderlind et al. (U.S. 6,781,972) in view of Ohta (U.S. 5,448,692).

Re claim 1, Anderlind et al. disclose in Figure 1 a method of transmitting display data in a mobile terminal having a display (e.g. from 12 to 26 or vice versa in Figure 1), comprising the steps of: storing data displayed on the display as display data upon request for capturing the displayed data from a user (e.g. 9 in Figure 1 as the storage device for mobile unit); transmitting the display data by a predetermined text transmission function if the display data is text data; and transmitting the display data by a predetermined graphic transmission function if the display data is graphic data (e.g. selecting a delivery method for appropriated data from a group of possible delivery methods to the mobile station and the group of deliver methods may include one ore more of the following: SMS, transmission over a share data channel or a dedicated data channel, and other suitable data transmission techniques and col. 11 last paragraph through col. 12 first paragraph). Anderlind et al. fail to disclose a step of determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold. However, Ohta discloses in Figure 1 a step of determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold (e.g. 9-10 in Figure 1 and col. 3 lines 50-68 and col. 4 lines 5-15). Therefore, it would have been obvious

to a person having ordinary skill in the art at the time the invention is made to add a step of determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold as seen in Ohta's invention into Anderlind et al.'s invention because it would enable to efficiently recognize type of data (e.g. col. 3 lines 50-55).

Re claim 2, Anderlind et al. further disclose in Figure 1 the text transmission function is at least one of an SMS function, an E-mail function, and a data communication function (e.g. col. 7 lines 7-14).

Re claim 3, Anderlind et al. further disclose in Figure 1 the graphic transmission function is a data communication function (e.g. col. 7 lines 7-14).

Re claim 4, Anderlind et al. further disclose in Figure 1 the display data transmission step comprises the steps of: receiving information about a recipient from the user by the mobile terminal (e.g. Figure 4 and reference number S12); transmitting the display data along with the recipient information to a base station (e.g. Figure 1 reference number 22) by the mobile terminal (e.g. Figure 1 reference number 26); transmitting the display data along with the recipient information to a mobile switching center (MSC) (e.g. Figure 1 reference number 16) by the base station; and analyzing the recipient information, converting the display data, and transmitting the display data to the recipient by the MSC (e.g. col. 3 lines 4-17, 28-32, and 42-46).

Re claim 7, Anderlind et al. disclose in Figure 1 a method of transmitting display data in a mobile terminal having a display (e.g. from 12 to 26 or vice versa in Figure 1), comprising the steps of: storing data displayed on the display as display data upon request for capturing the displayed data from a user (e.g. 9 in Figure 1 as the storage device for mobile unit); entering a text data transmission function select mode and displaying a plurality of available text

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transmission functions as menu items if the display data is text data; entering a graphic data transmission function select mode and displaying a plurality of available graphic transmission functions as menu items if the display data is graphic data; and transmitting the display data by a selected transmission function upon receipt of a selection command from the user in the text data transmission function select mode or the graphic data transmission function select mode (e.g. selecting a delivery method for appropriated data from a group of possible delivery methods to the mobile station and the group of deliver methods may include one ore more of the following: SMS, transmission over a share data channel or a dedicated data channel, and other suitable data transmission techniques and col. 11 last paragraph through col. 12 first paragraph). Anderlind et al. fail to disclose a step of determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold. However, Ohta discloses in Figure 1 a step of determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold (e.g. 9-10 in Figure 1 and col. 3 lines 50-68 and col. 4 lines 5-15). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add a step of determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold as seen in Ohta's invention into Anderlind et al.'s invention because it would enable to efficiently recognize type of data (e.g. col. 3 lines 50-55).

Re claim 8, it has same limitations cited in claim 2. Thus, claim 8 is also rejected under the same rationale as cited in the rejection of rejected claim 2.

Re claim 9, it has same limitations cited in claim 3. Thus, claim 9 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

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Re claim 12, Anderlind et al. further disclose in Figure 1 the stored text data is a first size; and the stored graphic data is a second different size (e.g. col. 3 line 50 - col. 4 line 28 depending on the size of capture window).

Re claim 13, it has same limitations cited in claim 12. Thus, claim 13 is also rejected under the same rationale as cited in the rejection of rejected claim 12.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

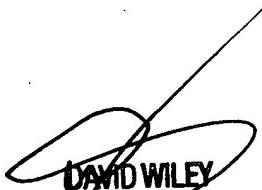
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuoc H Nguyen
Examiner
Art Unit 2143

October 10, 2006



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